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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SHEILA CLEVELAND, CHELSEA
CLEVELAND, TYSON CLEVELAND,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. C 06-3853 PJH

E-Filing Case

**STIPULATION TO ENLARGE
DEADLINE TO COMPLETE
MEDIATION**

[PROPOSED ORDER]

Parties stipulate to the following, subject to the approval of the Court:

The current deadline for mediation is enlarged from February 29, 2008, until ninety (90) days after the date of filing of the Court's order on the parties' cross-motions for summary judgment.

Parties are requesting an enlargement of time for the mediation of this case because

1 parties' cross-motions for summary judgment are currently under submission with the Court.
2 Parties contend that mediation of this case prior to receipt of this Court's order on the
3 outstanding jurisdictional issues would be futile. Additionally, enlargement of the mediation
4 deadline to 90 days after the date of the Court's order will allow time for the parties to conduct
5 discovery on damages so as to make the mediation more meaningful. At this time, no discovery
6 on damages has been conducted by either party because discovery was bifurcated between
7 liability and damages pending a ruling on the issues presented in the cross-motions for summary
8 judgment.

9 Parties have already agreed to a private mediator. There are no other dates currently
10 calendared for this case so this will not cause any undue delay in trial scheduling.

11 For the foregoing reasons, the parties stipulate to enlarge the deadline to complete the
12 mediation to ninety (90) days after the date of filing of the Court's order on the parties' cross-
13 motions for summary judgment.

14 This is the sixth request to enlarge deadlines in this matter.

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16
17 DATED: February 20, 2008

By: /s/
MICHAEL S. HENDERSON
Attorneys for Plaintiffs

19 JOSEPH P. RUSSONIELLO
20 United States Attorney

21 DATED: February 20, 2008

By: /s/
NEILL T. TSENG
Assistant United States Attorney
Attorneys for Defendant

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

25
26 DATED: 2/20/08

27 HON. PHYLLIS J. HAMILTON
28 United States District Judge

